

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
ex rel. MARY HENDOW and
JULIE ALBERTSON,

Plaintiffs,

No. CIV S-03-0457 GEB DAD

v.

UNIVERSITY OF PHOENIX,

Defendant.

ORDER

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This case came before the court on January 23, 2009, for hearing of relators' December 8, 2008 motion for an order compelling defendant to provide further responses to relators' First Set of Interrogatories and Third Set of Requests for Production of Documents. Robert J. Nelson, Michael Rubin, and Peter E. Leckman appeared for the relators. Wayne W. Smith and Kristopher P. Diulio appeared for defendant.

The court gave careful consideration to the parties' joint statement re discovery disagreement and to the arguments of counsel at the hearing. For the reasons stated in open court, relators' motion was granted in part and otherwise denied without prejudice. By this order, the court grants defendant 20 days to serve the further response agreed upon. If additional time is needed, counsel shall confer and submit a stipulation and proposed order.

As set forth more fully on the record, IT IS ORDERED that:

1. Relators' December 8, 2008 motion (Doc. No. 196) for an order compelling defendant to provide further responses to relators' First Set of Interrogatories and Third Set of Requests for Production of Documents is granted solely as to Document Requests Nos. 2 and 3 and is denied without prejudice to a renewed motion as to the interrogatories and other document requests at issue.

2. As a further response to relators' Document Requests Nos. 2 and 3, defendant shall identify by Bates-stamp page numbers all responsive documents that have been produced and shall either confirm that all responsive documents have been produced or produce all remaining responsive documents.

3. Defendant's further response shall be served within twenty days after the filing of this order, absent further order of the court.

DATED: January 23, 2009.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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